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16
17 UNITED STATES DISTRICT COURT
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19 NORTHERN DISTRICT OF CALIFORNIA
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21 SAN FRANCISCO DIVISION

22 ALISON SHERMAN, et al.,
Plaintiffs,
23 v.
24 LAWRENCE J. ELLISON, et al.,
Defendants,

Case No. 3:20-cv-05255-JSC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE CASE
MANAGEMENT CONFERENCE
AND EXTENDING DEFENDANTS'
TIME TO RESPOND TO THE
COMPLAINT**

25
26 The Honorable Jacqueline Scott Corley
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1 WHEREAS, on July 2, 2020, Plaintiff R. Andre Klein filed a putative shareholder
 2 derivative action (the “*Klein Action*”), seeking to assert derivative claims on behalf of Nominal
 3 Defendants Oracle Corporation and Oracle America, Inc. (together “Oracle” or the “Company”),
 4 against certain current directors and officers of Oracle (the “Individual Defendants” and, together
 5 with Oracle, “Defendants”), for breaches of fiduciary duties, aiding and abetting breach of
 6 fiduciary duty, abuse of control, unjust enrichment, and violation of Section 14(a) of the
 7 Securities Exchange Act of 1934;

8 WHEREAS, on July 10, 2020, Plaintiff Kathleen Dinsmore filed a putative shareholder
 9 derivative action (the “*Dinsmore Action*”), seeking to assert derivative claims on behalf of Oracle
 10 against the Individual Defendants that are substantially similar to the claims in the *Klein Action*;

11 WHEREAS, on July 22, 2020, the Court ordered the consolidation of the *Dinsmore*
 12 Action under the *Klein Action*, pursuant to the parties’ stipulation;

13 WHEREAS, on July 30, 2020, Plaintiff Alison Sherman filed a putative shareholder
 14 derivative action (the “*Sherman Action*”), seeking to assert derivative claims on behalf of Oracle
 15 against the Individual Defendants (Dkt. No. 1);

16 WHEREAS, on September 14, 2020, the Court issued an order relating the *Klein* and
 17 *Sherman* Actions pursuant to an administrative motion filed by Plaintiffs Klein and Dinsmore
 18 (Dkt No. 24);

19 WHEREAS, on October 2, 2020, the parties filed a stipulation requesting a 30 day
 20 extension of the motion to dismiss deadline and the case management conference while the
 21 parties conferred regarding scheduling and potential avenues for efficiency among the *Sherman*
 22 and *Klein* Actions (Dkt. No. 30);

23 WHEREAS, on October 5, 2020, the Court issued an Order extending Defendants’ time to
 24 respond to the Complaint to November 5, 2020, and continuing the Case Management
 25 Conference to December 3, 2020 (Dkt. No. 31);

26 WHEREAS, on October 16, 2020, Defendants filed a Motion to Consolidate the *Klein* and
 27 *Sherman* Actions, which is noticed for hearing on December 3, 2020 (Dkt. No. 33);

28 WHEREAS, the parties agree that it is in the interest of judicial economy to schedule

1 briefing on the motion to dismiss and the case management conference after Defendants' Motion
2 to Consolidate is resolved;

3 THEREFORE, to avoid unnecessary duplication of effort by the parties and the Court,
4 Plaintiffs and Defendants, through their respective counsel, hereby enter into this Stipulation and
5 [Proposed] Order Continuing the Case Management Conference and Extending Defendants' Time
6 to Respond to the Complaint, and hereby stipulate and agree as follows:

7 1. In the event that Defendants' Motion to Consolidate is granted, Defendants' shall
8 confer with the Lead Plaintiff for the Consolidated Action regarding the timing of Defendants'
9 response to the Consolidated Complaint.

10 2. In the event that Defendants' Motion to Consolidate is denied, Defendants' deadline to
11 respond to the complaint in *Sherman* Action shall be thirty (30) days after the Court's Order
12 denying the Motion to Consolidate.

13 3. The Case Management Conference shall be continued to thirty (30) days after an Order
14 on the Motion to Dismiss.

15 **IT IS SO STIPULATED.**

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1 Dated: November 3, 2020

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12 Dated: November 3, 2020

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ECF ATTESTATION

I, Jordan Eth, am the ECF User whose ID and password are being used to file the foregoing document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of the document has been obtained from each of the other Signatories.

Dated: November 3, 2020

By: /s/ Jordan Eth
JORDAN ETH

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, IT IS SO ORDERED.

DATED: _____, 2020

HON. JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE